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Docket No. 5047-1001

Date: February 8, 2006

Mail Stop: PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

In re application of: Christian ABICHT et al.  
 Serial No.: 10/537,969  
 Intl Application No.: PCT/DE03/04025  
 Filed: June 9, 2005 as national phase of International Application PCT/DE03/04025  
 filed September 12, 2003  
 For: ARTIFICIAL JOINT

Sir:

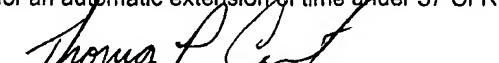
Transmitted herewith is a Response to Notification of Missing Requirements (NMP) (1 page), Copy of NMP (2 pages), Copy of Executed Declaration and Power of Attorney (4 pages), Translation of Application (11 pages), Preliminary Amendment (8 pages) in the above-identified application.

- Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
 Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
 No fee for additional claims is required.  
 A filing fee for additional claims calculated as shown below, is required.

FOR:	(Col. 1)		(Col. 2)		SMALL ENTITY RATE	OR	LARGE ENTITY RATE	FEE
	AFTER	PREVIOUSLY	PRESENT	AMENDMENT	PAID FOR	EXTRA		
TOTAL CLAIMS	* Minus 20	=					X \$ 25	\$
INDEP. CLAIMS	* Minus 3	=	0				X \$ 100	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM							+ \$180	\$
							X \$ 50	\$
							X \$200	\$
							+ \$360	\$
							TOTAL: \$	OR
								TOTAL: \$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- Also transmitted herewith are:  
 Petition for extension under 37 C.F.R. 1.136  
 Other: Information Disclosure Statement (2 pages), Form PTO-1449 (1 page) and cited references
- Check(s) in the amount of \$195 is/are attached to cover:  
 Filing fee for additional claims under 37 C.F.R. 1.16  
 Petition fee for extension under 37 C.F.R. 1.136  
 Other: Fee set forth in 37 C.F.R. 1.492(i) and fee set forth in 37 C.F.R. 1.492(h)
- The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
 Any patent application processing fees under 37 C.F.R. 1.17.  
 Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.




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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 02/08/06.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:

Oliver Platz

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/537,969

Applicant: Christian ABICHT et al.

Docket No.: 5047.1001

Filing Date: June 9, 2005 as national phase of International Application No. PCT/DE2003/004025 filed September 12, 2003

Title: **ARTIFICIAL JOINT**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 8, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

This submission is in response to the Notification of Missing Requirements, dated December 8, 2005, a copy of which is enclosed. Please find enclosed a copy of an English translation of the application, an executed Declaration/Power of Attorney and a check in the amount of \$195.00 covering the processing fee and filing surcharge. Also enclosed is a preliminary amendment.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By Thomas P. Canty  
Thomas P. Canty, Reg. No. 44,586

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/537,969	Christian Abicht	5047.1001

## INTERNATIONAL APPLICATION NO.

PCT/DE03/04025

23280  
 DAVIDSON, DAVIDSON & KAPPEL, LLP  
 485 SEVENTH AVENUE, 14TH FLOOR  
 NEW YORK, NY 10018

**RECEIVED**  
 DEC 12 2005

I.A. FILING DATE	PRIORITY DATE
12/09/2003	12/10/2002

CONFIRMATION NO. 6935

371 FORMALITIES LETTER



OC000000017600016\*

Date Mailed: 12/08/2005

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/09/2005
- Copy of the International Search Report filed on 06/09/2005
- Oath or Declaration filed on 06/09/2005
- U.S. Basic National Fees filed on 06/09/2005
- Priority Documents filed on 06/09/2005

IPM 12/13/05

✓ 1/8/06 Missing parts  
(Deadline)✓ 1/8/06 Missing parts  
(Due Date)✓ 1/8/06 Reminders  
CES|TPC|WCA|OP

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the Inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$195 for a Small Entity:

- \$65 Surcharge.
- \$130 for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

JOHN L ANDERSON

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Telephone: (703) 308-9140 EXT 211

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/537,969	PCT/DE03/04025	5047.1001

FORM PCT/DO/EO/905 (371 Formalities Notice)